

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT  
219 South Dearborn Street  
Chicago, Illinois 60604

January 5, 2022

Chief Judge Diane S. Sykes

No. 07-21-90081

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presides over her civil case. She challenges the judge's decisions to (1) dismiss her complaint without prejudice, (2) deny her requests to proceed in forma pauperis, and (3) decline to appoint counsel to represent her. The complainant also alleges that the chief justice of the Illinois Supreme Court is "unethical."

Allegations directly related to the merits of the judge's decisions are not proper grounds for a misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." STEPHEN BREYER ET AL., IMPLEMENTATION OF THE JUDICIAL CONDUCT AND DISABILITY ACT OF 1980: A REPORT TO THE CHIEF JUSTICE 145 (2006). The allegations here are almost all merits related and must be dismissed. § 352(b)(1)(A)(ii). The only remaining allegation concerns the chief justice of the Illinois Supreme Court and thus does not fall within the scope of the Judicial Conduct and Disability Act. §§ 351(a), (d)(1); § 352(b)(1)(A)(1); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 1(b)(explaining that the Act is limited to misconduct and disability proceedings involving federal judges).

For the foregoing reasons, the complaint is dismissed pursuant to §§ 352(b)(1)(A)(i) and (ii). The complainant may petition the Judicial Council of the Seventh Circuit for review of this order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. 28 U.S.C. § 352(c); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(g)(3). A petition for review must be filed in the clerk's office of the United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.